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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,591	06/14/1999	JAMES D. DAVIS	P4132/SUN1P	4277

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EXAMINER

ANYA, CHARLES E

ART UNIT PAPER NUMBER

2126

DATE MAILED: 09/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/333,591

Applicant(s)

DAVIS ET AL.

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/24/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites the limitations "CIM repositories" and "the repository" on page 2 lines 4 – 5 and lines 7 – 8 respectively. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of this office action the Examiner would assume that the phrases "CIM repositories" and "the repository" is "CIM repository".

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 2, 4 – 5, 7 – 11 and 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,452,433 to Nihart et al. in view of "The**

**Common Agent. A Multi-Protocol Management Agent” to Newkerk et al. (pages 1 – 9).**

As to claim 1, Nihart teaches a Common Information Model (CIM) Object Manager (Common Agent 130), a Host Computer (Local Computer System 120), CIM Repository (Common Agent Directory/Location Directory Process 162, Col. 6, Ln. 17 – 33), creating a connection/ passing a protocol indicator/ identifying a selected CIM repository and its associated communication protocol (“...call 132...”/“...call 134...” Col. 5 Ln. 45 – 56, “...remote procedure call (RPC)...”, Col. 9, Ln. 53 – 67), (creating a protocol-specific object by the repository API (“...remote procedure call (RPC)...”, Col. 9, Ln. 53 – 67, “...call...”, Col. 6, Ln. 19 – 29) and returning a protocol-specific object (“...a handle...” Col. 6, Ln. 17 – 33, Col. 10 Ln. 28 – 39) and a Repository Application Programming (API) (Common Agent Library Routine 160, Col. 6, Ln. 17 – 33).

Nihart is silent with respect to creating a connection and protocol specific format.

Newkerk also teaches creating a connection (“...connect requests...” page 5 column 2 lines 1 – 5) and protocol specific format (“...protocol specific...” page 6 column 12 – 14).

It would have been obvious to apply the teaching of Newkerk to the system of Nihart.

One would have been motivated to make such modifications in order to respond to management directives (page 5 column 1 lines 32 – 36).

As to claim 2, Nihart teaches a Method (“...call...”, Col. 6, Ln. 19 – 29), transmitting (“...call...”, Col. 6, Ln. 19 – 29) and a Result (Step 212, Step 214, Col. 10, Ln. 46 – 57).

As to claim 4, Nihart teaches the CIM repository to be resident on the host computer (Computer 110, Computer 120, Col. 4, Ln. 42 – 52).

As to claim 5, Nihart teaches the CIM repository to be resident on a separate computer (Computer 110, Computer 120, Col. 4, Ln. 42 – 52).

As to claim 7, claim 1 covers claim 7 except for a factory class, first and second classes.

Nihart teaches a Factory Class (Root Node 182, Col 6, Ln. 34 – 53), a First Class (Node 172, Col. 6, Ln. 34 – 53) and a Second Class (Node 172, Col. 6, Ln. 34 – 53).

As to claim 8, Nihart teaches a Method Call (Call 132, Call 134, Col. 5, Ln. 44 – 51, Col. 8, Ln. 22 – 31), a Management Application (Management Tool 102, Col. 5, Ln. 44 – 51, Col. 8, Ln. 22 – 31).

As to claim 9, see the rejection of claim 4.

As to claim 10, Nihart teaches a Network Connection (“...remotely located from computer 120”, Col. 4, Ln. 42 – 53).

As to claim 11, see the rejection of claim 3.

As to claim 14, see the rejection of claim 1.

As to claim 15, see the rejection of claim 2.

**Claims 3,6,12 – 13,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,452,433 to Nihart et al. in view of “The Common Agent. A Multi-Protocol Management Agent” to Newkerk et al. (pages 1 – 9) as applied to claim 7 above, and further in view of Ismael et al.**

As to claim 3, Nihart as modified in claim 1 does not teach a LDAP, JDBC or JAVA.

Ismael teaches a LDAP, JDBC or JAVA (Java RMI System, Col. 12, Ln. 1 – 4).

It would have been obvious to apply the teaching of Ismael to the system of Nihart. One would have been motivated to make such a modification in order that java management application can interact with an agent, regardless of the communications protocol (Col. 12, Ln. 7 – 10).

As to claim 6, Nihart as modified in claim 1 does not teach calling JAVA Factory Class.

Ismael teaches calling JAVA Factory Class (“...Java classes...”, Col. 14, Ln. 28 – 31). It would have been obvious to apply the teaching of Ismael to the system of Nihart. One would have been motivated to make such a modification to enable a Java management application to access an agent using Java remote method invocation.

As to claim 12, Nihart as modified in claim 7 teaches a Different Protocol (“...multiple management protocol...”, Col. 2, Ln. 10 – 14).

Nihart as modified in claim 7 is silent with reference to a plurality of CIM repository.

Ismael teaches a Plurality of Repository (Core Management Services 25, 26, 27, 28). It would have been obvious to apply the teaching of Ismael to the system of Nihart. One would have been motivated to make such a modification in order provide different repository for different protocol objects.

As to claim 13, see the rejection of claim 5.

As to claim 16, see the rejection of claim 3.

As to claim 17, see the rejection of claim 6.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 - 17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Charles E Anya  
Examiner  
Art Unit 2151

**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**